

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JESSE GIDDINGS,
Plaintiff

v.

SINES, et al.,
Defendants

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No. 1:21-cv-01841

(Judge Kane)

ORDER

AND NOW, on this 4th day of January 2022, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Plaintiff's amended complaint (Doc. No. 8) is partially **DISMISSED** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Plaintiff's Eighth Amendment claims, as well as his claims against Defendants Barns, Shoemaker, Entz, Defransico, Metzger, Mirabito, Mussare, Kennelly, and Rogers, are **DISMISSED WITH PREJUDICE**. Plaintiff may not file a second amended complaint in this matter;
2. Because the Court has resolved all of Plaintiff's claims against them, the Clerk of Court is directed to terminate Barns, Shoemaker, Entz, Defransico, Metzger, Mirabito, Mussare, Kennelly, and Rogers as Defendants in the above-captioned action;
3. The above-captioned action will proceed as to Plaintiff's Fourteenth Amendment claims against Defendants Sines, Malynn, Kim, Sheila, Andrea, and McGlauklyn;
4. In accordance with Federal Rule of Civil Procedure 4(c)(3), the Clerk of Court is directed to **SERVE** a copy of the amended complaint (Doc. No. 8), notice of lawsuit and request to waive service of summons (form AO 398), waiver of the service of summons (form AO 399), and this Order on Defendants Sines, Malynn, Kim, Sheila, Andrea, and McGlauklyn. In the interest of efficient administrative judicial economy, the Court requests that Defendants waive service pursuant to Federal Rule of Civil Procedure 4(d); and

5. If service is unable to be completed due to Plaintiff's failure to properly name the Defendants or provide an accurate mailing address for Defendants, Plaintiff will be required to correct this deficiency. Failure to comply may result in the dismissal of Plaintiff's claims against Defendants pursuant to Federal Rule of Civil Procedure 4(m).

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania